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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,924	10/20/2003	Krisztian Flautner	550-463	8335
23117	7590	06/29/2005	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			KIM, HAROLD J	
			ART UNIT	PAPER NUMBER
			2182	
DATE MAILED: 06/29/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/687,924	FLAUTNER ET AL.	
	Examiner	Art Unit	
	Harold Kim	2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 May 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 06 January 2005 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01062005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-14 are presented for examination.
2. The Amendments to the Specification filed on 5/24/2005 has been entered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by**

Cooper et al., US Patent no. 6,829,713.

5. In re claim 1, Cooper et al. shows apparatus for processing data [figs 2 and 7], said apparatus processing work [col 7, line 47] at a variable rate of work [710, fig 7] and comprising:

a performance counter [col 7, lines 53-56] operable to add a work increment value [710, fig 7; col 7, line 67] to an accumulated work done value [Prior System Independent Timer Value, 704, fig 7] to accumulate a work done value [Current Time Stamp Counter Value, 704, 708, fig 7] indicative of an amount of processing work performed by said apparatus; wherein

said work increment value is variable [708, 710, fig 7] so as to represent said variable rate of work.

Art Unit: 2182

6. In re claim 2, Cooper et al. shows a clock signal generator [Clock generator, 208, fig 2] operable to generate a clock signal [col 4, line 27] to drive processing operations of said apparatus, said clock signal having a variable frequency [218, fig 2; col 4, lines 20-34] and said variable rate of work being dependent upon clock signal frequency [col 4, lines 20-34; col 7, line 43 to col 8, line 7].

7. In re claim 3, Cooper et al. shows an increment value adjusting circuit [fig 2] operable to adjust said work increment value in dependence upon said clock signal frequency [col 4, line 11 to col 4, line 65].

8. In re claim 4, Cooper et al. shows said work increment value variable non-linearly with said clock signal frequency [col 4, line 11 to col 4, line 65; 710, fig 7].

9. In re claim 5, Cooper et al. shows a variable voltage power supply operable to supply electrical power to said apparatus at a plurality of different supply voltages, said clock signal generator being operable to generate higher frequency clock signals at higher supply voltages [col 2, lines 32-45].

10. In re claim 6, Cooper et al. shows said work increment value is programmable under software control [col3, line 64].

11. In re claim 7, Cooper et al. shows said work increment value is varied with a read-modify-write operation [fig 7].

12. wherein said work increment value is

13. In re claims 8-14, Cooper et al. teaches the apparatus to carry out the operations as set forth in claims 1-7. Therefore, Cooper et al. also teaches the method steps in using the apparatus.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Further references of interest are cited on Form PLO-892, which is attachment to this office action.

Any response to this action should be mailed to:

Mail Stop _____
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The centralized fax number is 703 872-9306.

The centralized hand carry paper drop off location is:

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Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry of a general nature or relating to the status of this application should be directed to the central telephone number (571) 272-2100.

Direct any inquiries concerning drawing review to the Drawing Review Branch
(703) 305-8404.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harold Kim whose telephone number is 571-272-4148. The examiner can normally be reached on Monday-Thursday 6AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 571-272-4083. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Harold J. Kim
Patent Examiner
June 25, 2005/HK


KIM HUYNH
PRIMARY EXAMINER

6/27/05